

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DEXTER MAIN and FRANCESCO D'AMELIO,  
individually and on behalf of those similarly situated,

Plaintiffs,

v.

SWEETHEARTS CANDY CO. LLC and ROUND  
HILL INVESTMENTS LLC,

Defendants.

CASE NO. 1:18-cv-11586-ADB

**ORAL ARGUMENT REQUESTED**

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' CLASS ACTION COMPLAINT**

Defendants Sweethearts Candy Co. LLC and Round Hill Investments LLC (collectively, "Defendants") hereby move to dismiss the Class Action Complaint filed by Plaintiffs Dexter Main and Francesco D'Amelio, individually and on behalf of those similarly situated. For the reasons stated in the accompanying Memorandum of Law, the Class Action Complaint should be dismissed in its entirety and with prejudice because under Rule 12(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs fail to state a claim upon which relief can be granted.

WHEREFORE, Defendants respectfully request dismissal of the Complaint.

**REQUEST FOR ORAL ARGUMENT**

Defendants believe oral argument may assist the Court and wish to be heard on this Motion.

DATED: September 6, 2018

Respectfully Submitted,

SWEETHEARTS CANDY CO. LLC and ROUND  
HILL INVESTMENTS LLC

By their attorneys,

/s/ Paul S. Samson

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### **RULE 7.1 CERTIFICATION**

Pursuant to Local Rule 7.1(a)(2), the undersigned conferred with Plaintiffs' counsel and attempted in good faith to resolve or narrow the issue.

/s/ Paul S. Samson

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**CERTIFICATE OF SERVICE**

I, Paul S. Samson, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on September 6, 2018.

/s/ Paul S. Samson \_\_\_\_\_

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